

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Requests for Review of the	)	
Decision of the	)	
Universal Service Administrator by	)	
	)	
Clinton County RESA	)	File No. SLD-310916
St. Johns, Michigan	)	
	)	
Jackson Public School District	)	File No. SLD-245792
Jackson, Mississippi	)	
	)	
Stafford Public Schools	)	File No. SLD-230427
Stafford Springs, Connecticut	)	
	)	
Syosset Central School District	)	File No. SLD-267162
Syosset, New York	)	
	)	
Villa Park School District 45	)	File No. SLD-220913
Villa Park, Illinois	)	
	)	
Wagon Mound Public Schools	)	File No. SLD-256158
Wagon Mound, New Mexico	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: February 27, 2004**

**Released: March 1, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration Requests for Review filed by Clinton County RESA, St. Johns, Michigan; Jackson Public School District, Jackson, Mississippi; Stafford Public Schools, Stafford Springs, Connecticut; Syosset Central School District, Syosset, New York; Villa Park School District 45, Villa Park, Illinois; and Wagon Mound Public Schools, Wagon Mound, New Mexico.<sup>1</sup> The Requests for Review

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<sup>1</sup> Letter from Lee Kleinjans, Clinton County RESA, to Federal Communications Commission, filed June 24, 2003; Letter from Willie Johnson, Ph.D., Jackson Public School District, to Federal Communications Commission, filed December 5, 2002; Letter from Therese G. Fishman, Stafford Public Schools, to Federal Communications Commission, filed October 23, 2002; Letter from David Israel, Ph.D., Syosset Central School District, to Federal Communications Commission, filed November 14, 2002; Letter from Marianne Fedak, Villa Park School District

seek review of decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator). For the reasons set forth below, we deny the Requests for Review.

2. Applicants receiving discounts on Internet access and/or internal connections in Funding Year 2001 that received Funding Commitment Decision Letters (FCDLs) and started services prior to October 28, 2001 are subject to the October 28, 2001 deadline imposed by the Children's Internet Protection Act (CIPA). This CIPA certification deadline is statutory and cannot be waived.<sup>2</sup> Certification of compliance with CIPA is required for each Funding Request Number (FRN) for Internet access or internal connections submitted.<sup>3</sup> General confusion and complexity of the application process are insufficient to justify a waiver.<sup>4</sup> It is the applicant who has responsibility for the timely submission of its application. As a result, neither employee illness nor misunderstanding relieves applicants of their responsibility to understand and comply with the program rules or procedures.<sup>5</sup>

3. Consistent with existing precedent as described above, the Telecommunications Access Policy Division denies the above-captioned Requests for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the requests filed by Jackson Public School District, Jackson, Mississippi, on December 5, 2002; Stafford Public Schools, Stafford Springs, Connecticut, on October 23, 2002;

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45, to Federal Communications Commission, filed December 19, 2002; and Letter from Sheryl McNellis, Wagon Mound Public Schools, to Federal Communications Commission, filed December 17, 2002 (together, Requests for Review).

<sup>2</sup> 47 U.S.C. § 254(h)(5)(E)(i)(I), (h)(6)(E)(i)(I); *see Federal-State Joint Board on Universal Service, Children's Internet Protection Act*, CC Docket No. 96-45, Report and Order, 16 FCC Rcd 8182, paras. 10-14 (2001). *See also Request for Review by East Carroll Parish School Board, Federal-State Joint Board on Universal Service Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-232946, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 24591 (Wireline Comp. Bur. 2002).

<sup>3</sup> *Request for Review by Craig County Public Schools*, File No. SLD-241515, CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 1718 (Wireline Comp. Bur. 2003).

<sup>4</sup> *Request for Waiver by Elgin Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-205168, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 15895 (Com. Car. Bur. 2001).

<sup>5</sup> *Request for Review by East Brunswick Public Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-276585, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 19274 (Com. Car. Bur. 2001) (denying waiver request in case when employee handling forms resigned due to illness and new person did not know requirements); *Request for Review by St. Mary's Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. NEC.471.12-07-99.02000002, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 12936, para. 5 (Com. Car. Bur. 2001) (denying a waiver request to the extent it is requested "due to misunderstanding of the program rules").

Syosset Central School District, Syosset, New York, on November 14, 2002; Villa Park School District 45, Villa Park, Illinois, on December 19, 2002; and Wagon Mound Public Schools, Wagon Mound, New Mexico, on December 17, 2002 are DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Narda Jones  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau